

AMENDATORY SECTION (Amending WSR 07-07-035, filed 3/12/07, effective 4/12/07)

WAC 260-44-120 Weighing in--Weigh in/weigh out--Tolerances--Penalties. (1) Each jockey will weigh in at no less than the same weight he/she weighed out. If a jockey is ~~((short of))~~ under the ~~((weigh out amount by more than two pounds))~~ weight that is assigned, and after consideration of mitigating circumstances by the board of stewards, his/her mount ~~((will))~~ may be disqualified. If a weight discrepancy arises after a race has been declared official, a change in the order of finish will not affect the parimutuel payoffs.

(2) ~~((If any jockey weighs in at more than two pounds over his/her proper or declared weight, the clerk of scales will report the overweight to the stewards for possible disciplinary action. In considering discipline the stewards will consider any excess weight caused by rain or mud.))~~ The post race weighing in of jockeys includes safety vest, helmet, sweat, dirt and mud that have accumulated on the jockey, jockey's clothing, and jockey's safety equipment. This may account for additional weight, depending on specific equipment as well as weather and track condition.

(3) A notice shall be included in the official program that all jockeys will carry approximately three pounds more than published weight to account for safety equipment (vest and helmet), that is not included in weighing out procedures. Additionally, upon approval jockeys may weigh an additional two pounds for inclement weather gear.



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Washington Horse Racing Commission

Permanent Rule Only

Effective date of rule:

Permanent Rules

☒ 31 days after filing.

☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose: Language is placed in this section as recommended by the ARCI model rule to explain the differences in a jockey's weight between weighing in and weighing out. The language explains that jockey's safety equipment, (helmet, vest, etc.), is not included in the program weight. This also requires the association to post in the daily program this explanation for the public's review.

Citation of existing rules affected by this order:

Repealed:

Amended: WAC 260-44-120

Suspended:

Statutory authority for adoption: RCW 67.16-020

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 10-03-063 on January 15, 2010.

Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: phone () _____

Address: fax () _____

e-mail _____

Date adopted: March 11, 2010

NAME (TYPE OR PRINT)

Douglas L Moore

SIGNATURE

Douglas L Moore

TITLE

Deputy Secretary

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 11, 2010

TIME: 2:30 PM

WSR 10-07-051

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>1</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	<u>1</u>	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	<u>1</u>	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____